



INTERIOR BOARD OF INDIAN APPEALS

Charlotte Thiringer v. Portland Area Director, Bureau of Indian Affairs

31 IBIA 295 (11/25/1997)

Judicial review of these cases:

Oral ruling for government, *Miller v. Bureau of Indian Affairs*, Case No. C98-330Z
(W.D. Wash. Mar. 24, 1999)

Related Board cases:

23 IBIA 114

28 IBIA 72

Reconsideration denied, 34 IBIA 16

31 IBIA 7

31 IBIA 273

31 IBIA 276

31 IBIA 279

31 IBIA 282

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31 IBIA 287

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United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

CHARLOTTE THIRINGER,
Appellant

v.

PORTLAND AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Dismissing Appeal

:

:

: Docket No. IBIA 97-24-A

:

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: November 25, 1997

Appellant Charlotte Thiringer appealed from an August 26, 1996, decision issued by the Portland Area Director, Bureau of Indian Affairs (Area Director; BIA). Inter alia, the Area Director's decision adjusted Appellant's rental rate for a residential/recreational lease in the Pull and Be Damned area of the Swinomish Indian Reservation. For the reasons discussed below, the Board of Indian Appeals (Board) dismisses this appeal.

On November 17, 1997, the Board received a motion from the Area Director seeking the dismissal of this appeal on the grounds that Appellant had resolved her dispute with BIA by assigning her interest in the lease to a third party in or around May 1997. The Area Director submitted copies of two letters from Appellant in support of his statement that she intended to withdraw her appeal. The Area Director also stated that attempts had been made to file a joint motion for dismissal with Appellant's counsel, but that Appellant's counsel had not responded to a proposed joint motion. In a Declaration attached to the Motion to Dismiss, counsel for the Area Director stated that, in a September 16, 1997, conversation, Appellant's counsel informed counsel for the Area Director that he had prepared a motion to dismiss which he had sent to Appellant, telling her to submit it after the settlement was finalized. No motion to dismiss this appeal was filed prior to the Area Director's motion.

The Board finds that Appellant's May 1, 1997, letter to her attorney clearly showed her intention to withdraw her appeal.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal from the Portland Area Director's August 26, 1996, decision is dismissed as moot.

//original signed

Kathryn A. Lynn
Chief Administrative Judge

//original signed

Anita Vogt
Administrative Judge